

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION

)
B.P.J. by her next friend and)
mother, HEATHER JACKSON,)
)
Plaintiff,)
) No. 2:21-cv-00316
vs.)
)
WEST VIRGINIA STATE BOARD OF)
EDUCATION, HARRISON COUNTY)
BOARD OF EDUCATION, WEST)
VIRGINIA SECONDARY SCHOOL)
ACTIVITIES COMMISSION, W.)
CLAYTON BURCH in his official)
capacity as State)
Superintendent, DORA STUTLER,)
in her official capacity as)
Harrison County)
Superintendent, and THE STATE)
OF WEST VIRGINIA,)
)
Defendants.)
)
LAINEY ARMISTEAD,)
)
)
Defendant-Intervenor.)

REMOTE VIDEOTAPED DEPOSITION OF
CHAD T. CARLSON, M.D., FACSM
Monday, March 28, 2022
Volume I

Reported by:
ALEXIS KAGAY
CSR No. 13795
Job No. 5122881
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1 imparted risk on an athletic field.

2 Q And there's no peer-reviewed study looking at
3 prepubertal kids and their -- boys and their
4 imparted risk on an athletic field, is there?

5 A That's why I was retained. 11:50:18

6 Q Okay. And there's no peer-reviewed study
7 looking at transgender women and their risk to other
8 women from participating in an athletic field;
9 right?

10 MR. FRAMPTON: Object to the form. 11:50:30

11 Go ahead.

12 THE WITNESS: There are multiple studies that
13 show retention of significant differences in the
14 types of things that would lead to disparities in
15 strength, power, speed, etcetera, all of which can 11:50:47
16 contribute to heightened injury risk, which was the
17 underpinning of World Rugby's finding.

18 BY MR. BLOCK:

19 Q Right. But --

20 MR. BLOCK: Can you read back my question, 11:50:58
21 Court Reporter.

22 (Record read.)

23 MR. FRAMPTON: Same objection.

24 MR. TRYON: Objection; form.

25 THE WITNESS: To my knowledge, there has been 11:51:21

1 no peer-reviewed study looking at the injury risk
2 that exists to cisgender women when transgender
3 women cross over and play. That issue is, to my
4 knowledge, not often tracked.

5 BY MR. BLOCK: 11:51:45

6 Q Can we look at page 2 of your report.

7 A Which report are you talking about?

8 Q Your -- your February report.

9 MR. FRAMPTON: I'm sorry, Josh, what -- what
10 page did you tell him to go to? 11:52:05

11 MR. BLOCK: Page 2. Exhibit --

12 MR. TRYON: Which exhibit is this, please?

13 MR. BLOCK: 80. Exhibit 80.

14 THE WITNESS: Okay.

15 BY MR. BLOCK: 11:52:26

16 Q If you look at the -- the final sentence, at
17 the bottom, that begins with "As a medical doctor."

18 A Okay.

19 Q It says (as read):

20 "As a medical doctor who has spent 11:52:32

21 my career in sports medicine, it is

22 my opinion that World Rugby's

23 assessment of the evidence is

24 scientifically sound, and that

25 injury modeling meaningfully 11:52:41

1 put on those bones?

2 A There is an association there.

3 Q It's just an association?

4 A They play against each other. Large muscle
5 mass creates greater bone mineralization too, just 12:43:05
6 from the tug of the muscles on bones. So there's an
7 association, yes.

8 Q Let's go to page? Page 1 of your report.

9 A Which report are we talking about?

10 Q Your -- your February report. 12:43:34

11 A Okay.

12 Q The final sentence of this first paragraph,
13 you say (as read):

14 "And in fact, biologically male
15 transgender athletes have competed 12:43:53
16 in a wide range of high school,
17 collegiate, and professional girls'
18 or women's sports, including, at
19 least, basketball, soccer,
20 volleyball, softball, lacrosse, and 12:44:01
21 even women's tackle football."

22 Correct?

23 A That's what that says.

24 Q Okay. Are you aware of any injuries
25 resulting from their participation in those sports? 12:44:11

1 A I'm not -- I'm not --

2 MR. BLOCK: I think Mr. Carlson froze.

3 THE VIDEOGRAPHER: Yeah, just -- we should
4 pause a sec.

5 (Technical issues.) 12:44:32

6 THE WITNESS: Because it's not adequately --

7 Sorry, I don't know if it's when I go to look
8 at the document or what, but -- can you see me now?

9 BY MR. BLOCK:

10 Q You'll have to answer that again. 12:44:39

11 So are you aware of any injuries that have
12 resulted from the participation of those transgender
13 athletes?

14 A This issue is inadequately tracked, so no,
15 I'm not aware. 12:44:57

16 Q Okay.

17 A Well, actually, that's not true.

18 Rephrase your question. I want to make sure
19 I'm understanding it.

20 Q You wrote that (as read): 12:45:08

21 "In fact, biologically male
22 transgender athletes have competed
23 in a wide range of high school,
24 collegiate, and professional girls'
25 or women's sports, including, at

12:45:15

1 least, basketball, soccer,
2 volleyball, softball, lacrosse, and
3 even women's tackle football."

4 And my question is, are you aware of any
5 injuries that resulted from the participation of 12:45:25
6 transgender girls and women in those sports?

7 A And so my answer would be that's not
8 adequately tracked, and so no, I'm not familiar.

9 Q Are you aware of any evidence that the
10 participation of transgender women in these events 12:45:40
11 actually has increased the frequency and severity of
12 injury suffered by such gender female athletes?

13 A You're speaking to those sports listed?

14 Q Yes.

15 A Again, it's inadequately tracked, so I'm not 12:46:01
16 familiar.

17 Q And let's go to paragraph 47 of that
18 document, the same document. Page 27, paragraph 47.

19 A Page 27, you said?

20 Q Yeah. In paragraph 47, at the bottom. 12:46:29

21 A Okay.

22 Q It says (as read):

23 "In 2014, a male mixed-martial art
24 fighter identifying as female and
25 fighting under the name Fallon Fox 12:46:40